IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 1485 of 2002

Between:

B. Ramulu S/o Adivaiah, aged about 55 years,

Fitter-Gr.II, A.P.C.P.D.C.L., Sirvella (PO) & Mandal,

Allagadda Taluk, Kurnool-518 563

..... PETITIONER

AND

1. The Chairman & Managing Director, A.P.Transco,

   Vidyutsoudha,Somajiguda, Hyderabad.

2. The Divisional Electrical Engineer (Op.) A.P.Transco, Narsaraopet,

   Guntur District,

3. The Managing Director, APCPDCL Pvt.Ltd.Mint Compound,

   Hyderabad,

4. The Superintending Engineer (Op.), A.P.Transco, APCPDCL Pvt.Ltd.,
   Kurnool District.

5. The Divisional Engineer, APCPDCL, Sirvella Section, Nandyal,

   Kurnool District.

   (R-5 is impleaded as per Court Order dated 11.09.2003

in W.P.M.P.No.20149 of 2003.)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an Order, direction or a writ more particularly in the nature of Writ of Mandamus directing the respondents to fix the pay scale of the petitioner on par with M/s KSRKV Prasad, P.Rama Mohan Rao and S.K. Meera Saheb forthwith, with all consequential benefits including arrears of pay, pending disposal of the above writ petition.

Counsel for the Petitioner: CHALLA BHARATHI REDDY

For the Respondents:MR. S. RAVINDRANATH , S.C. for APTRANSCO

The Court made the following :

O R D E R :

The petitioner seeks to issue Writ of Mandamus directing the respondents to fix the pay scale of petitioner on par with KSRKV Prasad, P.Rama Mohana Rao and S.K.Meera Saheb with all consequential benefits including arrears of pay.

2. The learned Counsel for the petitioner submits that the present Writ Petition is squarely covered by the judgment of this Court in W.P.No.8976 of 1996 dated 29-11-2000. This Court allowed the said Writ Petition, following the earlier judgment of this Court in W.P.No.16080 of 1987, dated 7.9.1988, on the ground that the petitioners therein are entitled for the same benefit as was given to other employees who were similarly situated and therefore, the present writ petitioner is also entitled for the same benefit on par with KSRKV Prasad, P.Rama Mohana Rao and S.K. Meera Saheb.

4. A counter has been filed by the respondents stating that the petitioner who was appointed as Fitter Grade-II in the time scale of

Rs.80-4-100-5-125 by the Executive Engineer, Sileru vide Proceedings No.EE/MI/LS/C2/2479/75, dated 10.07.1975 joined duty on 22.7.1975 and the petitioner prays to fix his pay by appointment in the time scale of Rs.100-6-112-7-168 as his juniors were appointed in the time scale of Rs.100-6-112-7-168 as they are doing the same nature of work. It is stated that the petitioner was transferred from lower Sileru to the Operation Division, Nandyal vide Memo No.SE/Dec./C3/F.14(a)/3609/78, dated 29.6.1978/1.7.1978 and joined duty at Operation Division, Nandyal on 7.8.1978. It is contended by the respondents that in the absence of any representation from the petitioner, who worked as Fitter Grade-II, for appointment in the time scale of Rs.100-6-112-7-168, giving the time scale on par with his juniors who do not belong to the same Division, cannot be considered.

5. I am of the opinion that there is no justification on the part of the respondents in not appointing the petitioner in the time scale on par with juniors viz. KSRKV Prasad, P.Rama Mohana Rao and S.K. Meera Saheb.

In that view of the matter, I am of the considered view that the petitioner is also entitled to the same benefit as that of his juniors. Consequently, the respondents are directed to fix the pay scale of the petitioner on par with Sri KSRKV Prasad, P.Rama Mohana Rao and S.K.Mdeera Saheb.

6. Accordingly, the Writ Petition is allowed. The arrears, if any, in this regard payable to the petitioner, shall be paid within three months from the date of receipt of a copy of this order. No order as to costs.

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V. ESWARAIAH, J

Dated:03-11-2004.

ccm

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Devinder Gupta, the Chief Justice on this Wednesday, the 3rd day of November, Two thousand and four.

ASSISTANT REGISTRAR

ccm

To:

1. The Chairman & Managing Director, A.P.Transco, Vidyutsoudha,Somajiguda, Hyderabad.
2. The Divisional Electrical Engineer (Op.) A.P.Transco, Narsaraopet, Guntur District,
3. The Managing Director, APCPDCL Pvt.Ltd.Mint Compound, Hyderabad,
4. The Superintending Engineer (Op.), A.P.Transco, APCPDCL Pvt.Ltd., Kurnool District.
5. The Divisional Engineer, APCPDCL, Sirvella Section, Nandyal, Kurnool District.

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